

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

RAY HARGROVE,	:	
	:	
Plaintiff,	:	
	:	Civil Action No. 3:15-CV-954
V.	:	
RANDY WERTZ, et al.,	:	
	:	(Judge Kosik)
Defendants.	:	

ORDER

AND NOW, THIS 12th DAY OF JANUARY, 2016, IT APPEARING TO THE COURT
THAT:

[1] Plaintiff, Ray Hargrove, an inmate confined at the State Correctional Institution at Smithfield, Huntingdon, Pennsylvania, filed the instant civil rights action, *pro se*, pursuant to 42 U.S.C. § 1983, on May 15, 2015 (Doc. 1);

[2] The action was referred to Magistrate Judge Martin C. Carlson;

[3] On September 10, 2015, the Court adopted the Magistrate Judge's Report and Recommendation dated August 27, 2015, which recommended that the Complaint be dismissed without prejudice to allow the Plaintiff to file an Amended Complaint within twenty (20) days, since the Magistrate Judge found that Plaintiff had failed to state a claim upon which relief could be granted (Doc. 15). The Plaintiff was informed that failure to file a timely Amended Complaint would result in dismissal of the action;

[4] Plaintiff did not meet the twenty day deadline, and instead requested two extensions of time to file an Amended Complaint, both of which were granted (Docs. 16-20). The last deadline was December 10, 2015, and Plaintiff has not filed an Amended Complaint or requested additional time;

[5] On December 22, 2015, the Magistrate Judge issued a Report and Recommendation (Doc. 22), recommending that Plaintiff's Complaint be dismissed with prejudice as frivolous for failure to state a claim. Specifically, the Magistrate Judge found that Plaintiff's Complaint failed to state a claim upon which relief could be granted, and when afforded an opportunity to amend his Complaint, Plaintiff did not comply with the Court's directives to file an Amended Complaint;

[6] Plaintiff has failed to file timely objections to the Magistrate Judge's Report and Recommendation;

AND, IT FURTHER APPEARING THAT:

[7] If no objections are filed to a Magistrate Judge's Report and Recommendation, the Plaintiff is not statutorily entitled to a *de novo* review of his claims. 28 U.S.C.A. § 636(b)(1)(C); Thomas v. Arn, 474 U.S. 140, 150-53 (1985). Nonetheless, the usual practice of the district court is to give "reasoned consideration" to a magistrate judge's report prior to adopting it. Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987); and

[8] We have considered the Magistrate Judge's report and we concur with his recommendation. We agree that Plaintiff's Complaint should be dismissed with prejudice.

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

[1] The Report and Recommendation of Magistrate Judge Martin C. Carlson dated December 22, 2015 (Doc. 22) is **ADOPTED**;

[2] Plaintiff's Complaint (Doc. 1) is **DISMISSED WITH PREJUDICE**; and

[3] The Clerk of Court is directed to **CLOSE** this case and **FORWARD** a copy of this Order to the Magistrate Judge.

s/Edwin M. Kosik
Edwin M. Kosik
United States District Judge